

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LOUIS FLOYD,  
Plaintiff,

v.

SARATOGA DIAGNOSTICS, INC., et  
al.,  
Defendants.

Case No. 20-cv-01520-MMC

**ORDER GRANTING IN PART AND  
DENYING IN PART PLAINTIFFS'  
MOTION FOR DEFAULT JUDGMENT;  
VACATING HEARING DATE;  
DIRECTIONS TO CLERK**

Before the Court is plaintiff's Motion for Default Judgment, filed November 30, 2021.<sup>1</sup> Defendants have not filed a response thereto. Having read and considered the papers filed in support of the motion, the Court deems the matter appropriate for determination on the papers filed in support of the motion, VACATES the hearing scheduled for March 10, 2022, and rules as follows:

1. To the extent plaintiff seeks an award of \$500 in statutory damages under the Telephone Consumer Protection Act ("TCPA"), as well an award of costs, the motion, for the reasons stated by plaintiff (see Pl.'s Mot. at 8:15-12:17, 13:11-14:17), is hereby GRANTED.


2. To the extent plaintiff additionally seeks an award of treble damages under the TCPA, the motion is hereby DENIED, as the complaint fails to allege facts to support a finding that any defendant willfully or knowingly violated the TCPA. See Strange v. Doe #1, 2020 WL 2476545, at \*5 (W.D. La. Ma 12, 2020) (holding plaintiff seeking default

<sup>1</sup> By order filed January 12, 2022, the above-titled action was reassigned to the undersigned.

judgment as to TCPA claim not entitled to award of treble damages, where plaintiff failed to allege "any factual basis, beyond his conclusory statements," to support finding defendant willfully or knowingly violated TCPA).

**IT IS SO ORDERED.**

Dated: January 20, 2022

  
MAXINE M. CHESNEY  
United States District Judge

United States District Court  
Northern District of California